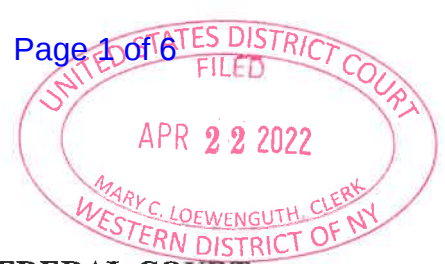


22 CV 0305-JLS

Revised 03/06 WDNV

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**



**FORM TO BE USED IN FILING A CIVIL COMPLAINT IN FEDERAL COURT
(Non-Prisoner Context)**

All material filed in this Court is now available via the INTERNET. See Pro Se Privacy Notice for further information.

1. CAPTION OF ACTION

A. Full Name of Plaintiff: *NOTE: If more than one plaintiff files this action and seeks in forma pauperis status, each plaintiff must submit an in forma pauperis application or the only plaintiff to be considered will be the plaintiff who filed an application.*

Brant Harry

-vs-

B. Full Name(s) of Defendant(s) *NOTE: Pursuant to Fed.R.Civ.P. 10(a), the names of all parties must appear in the caption. The court may not consider a claim against anyone not identified in this section as a defendant. Add a separate sheet, if necessary.*

- | | |
|--------------------------------------|----------|
| 1. City of Buffalo | 4. _____ |
| 2. City of Buffalo Police Department | 5. _____ |
| 3. Regis Hillman | 6. _____ |

2. STATEMENT OF JURISDICTION, VENUE and NATURE OF SUIT

*All of these sections **MUST** be answered*

Identify the basis for federal Court jurisdiction over your claim, such as that the United States government is a party to the action, all the parties reside in different states and therefore you claim diversity jurisdiction, or the claim presents a federal question or arises under federal law.

A. Basis of Jurisdiction in Federal Court: Claim

State why the Western District of New York is the proper venue for this action, such as that your claim arises in or the defendant resides in the 17 westernmost counties of New York State.

Pursuant to 28 U.S. Code § 1331 and 42 U.S. Code § 1997a involving civil rights abuses the value of economic damages

B. Reason for Venue in the Western District: _____

in the lawsuit exceeds \$150,000 due to 18 U.S. Code § 2255 personal injury and perjury 18 U.S. Code § 1621 the court has subject matter jurisdiction over this case.

Identify the nature of this action, such as that it is a civil rights claim, a personal injury or personal property (tort) claim, a property rights claim, or whatever it is.

C. Nature of Suit: Injunctive relief for civil rights, personal injury, assault and perjury violations

3. PARTIES TO THIS ACTION

PLAINTIFF'S INFORMATION NOTE: *To list additional plaintiffs, use this format on another sheet of paper.*

Name of First Plaintiff: Brant Harry

Present Address: 171 Tacoma Ave Buffalo NY 14216

Name of Second Plaintiff: _____

Present Address: _____

DEFENDANT'S INFORMATION NOTE: *To list additional defendants, use this format on another sheet of paper.*

Name of First Defendant: City of Buffalo

Official Position of Defendant (if relevant): _____

Address of Defendant: 65 Niagara Square Room 1100 Buffalo NY 14202

Name of Second Defendant: City of Buffalo Police Department

Official Position of Defendant (if relevant): _____

Address of Defendant: 68 Court Street Buffalo, NY 14202

Name of Third Defendant: Regis Hillman

Official Position of Defendant (if relevant): _____

Address of Defendant: 288 Riley St, Buffalo, NY 14208

4. PREVIOUS LAWSUITS IN STATE AND FEDERAL COURT

A. Have you begun any other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes ☐ No ☒

If Yes, complete the next section. NOTE: *If you have brought more than one lawsuit dealing with the same facts as this action, use this format to describe the other action(s) on another sheet of paper.*

1. Name(s) of the parties to this other lawsuit:

Plaintiff(s): _____

Defendant(s): _____

2. Court (if federal court, name the district; if state court, name the county): _____

3. Docket or Index Number: _____

4. Name of Judge to whom case was assigned: _____

5. The approximate date the action was filed: _____

6. What was the disposition of the case?

Is it still pending? Yes ☐ No ☐

If not, give the approximate date it was resolved. _____

Disposition (check those statements which apply):

☐ Dismissed (check the statement which indicates why it was dismissed):

☐ By court *sua sponte* as frivolous, malicious or for failing to state a claim upon which relief can be granted;

☐ By court for failure to prosecute, pay filing fee or otherwise respond to a court order;

☐ By court due to your voluntary withdrawal of claim;

☐ Judgment upon motion or after trial entered for

☐ plaintiff

☐ defendant.

5. STATEMENT OF CLAIM

Please note that it is not enough to just list the ground(s) for your action. You **must** include a statement of the facts which you believe support each of your claims. In other words, just tell the story of what happened and do not use legal jargon.

Fed.R.Civ.P. 8(a) states that a pleading must contain "a short and plain statement of the claim showing that the pleader is entitled to relief." "The function of pleadings under the Federal Rules is to give fair notice of the claim asserted. Fair notice is that which will enable the adverse party to answer and prepare for trial, allow the application of res judicata, and identify the nature of the case so it may be assigned the proper form of trial." Simmons v. Abruzzo, 49 F.3d 83, 86 (2d Cir. 1995).

Fed.R.Civ.P. 10(b) states that "[a]ll averments of claim ... shall be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a single set of circumstances."

A. FIRST CLAIM: On (date of the incident) 9/12/20,
 defendant (give the **name and (if relevant) the position held of each defendant** involved in this incident) City of Buffalo
City of Buffalo Police Department

did the following to me (*briefly state what each defendant named above did*):

The Erie County DA was informed and my Attorney Kevin Mahoney during 9/12/20 complaints where filed prior to 3/14/22 with Internal Affairs, FBI, DOJ and Office of Public Integrity. The City of Buffalo was served with a notice of claim within the appropriate timeframe (Recorded by a Timothy Ball 11/5/20) a request for hearing was instituted by them but was not fulfilled during the release of the "Pause Act", 30 U.S. Code § 923 - Filing of notice of claim and 50 U.S. Code § 4330 - Notice of claim; institution of suits; computation of time. The Order CR-071-6-20 also was violated for the return of my property being that a background check is not required due to a temporary transfer, the case was dismissed so I should not have any issues or it would be considered double jeopardy because the reason for the background check to be denied is the case and an issue with the state itself Fifth Amendment, Federal Bill HR8, Washington Law - RCW 9.41.113 and General Business Law GBS § 898, et seq. The amount requested for restitution is within reason and to set an example for the police misconduct, negligence, fraud, cost and injuries 18 U.S. Code § 2255 comparatively to Williams v. Philip Morris Inc., Schaffer v. Chauvin Case No. 20-cv-1577 (SRN/TNL), the City of Buffalo Police Department due to the previous order #CR-07106-20 10/18/21 with new order for return of property from the Buffalo Police without a background check, 10/18/21 for payment the 31 CFR § 901.2 - Demand for payment and CPLR 3212: Motion for summary judgment will stand and payment for the amount due \$15,120,410.00 28 USC App Rule 56: Summary Judgment, et seq.

31 U.S. Code § 3729 - False claims, 18 U.S. Code § 2255 - Civil remedy for personal injuries

The federal basis for this claim is:

State briefly **exactly** what you want the Court to do for you. *Make no legal arguments and cite no cases or statutes:*
Find the City of Buffalo and City of Buffalo Police guilty and negligent on all counts and provide injunctive relief

due per notice of claim & demand letter of payment of \$15,120,410.00. Along with a demand letter for return of property due.

B. SECOND CLAIM: On (*date of the incident*) 9/12/20

defendant (*give the name and (if relevant) position held of each defendant involved in this incident*) Regis Hillman

did the following to me (*briefly state what each defendant named above did*):

Regis Hillman has a history of issues that led to the eventual creation of a false claim, he has lost a small claims court case SC-000670-20/BU on 7/28/21 and paid a judgement on 10/20/21 \$320 value \$5000 for property damage to Mr. Harrys truck tire and was found for criminal mischief New York Penal Law 145.12: Criminal Mischief in the First Degree, 18 U.S. Code § 1363 - Buildings or property within special maritime and territorial jurisdiction, this is due to due to NHTSA rule 49 CFR § 570.62 - Tires.

Then violated the terms of the court order of protection 2020-00396 issued on 9/13/20 with his partner Birona Ried contacting me on 3/31/21 773-440-3195 at 2:33pm Buffalo Police complaint 21-0900502 on 5:07pm. He was then evicted on 9/26/21 during which he caused damages \$5250 leading to another case SC000671-20/BU which is pending with my attorney. This then led to the night of 9/12/20 where he was also found to have belligerently assaulted me during the incident day. This is when he tried to open the door and my medical report clearly states the injuries to my left arm meaning that I was injured that day by Regis Hillman opening the door and by the Buffalo Police Department arresting me during that day. Regis entered in False Statements as Evidence U.S. Code § 3729 - False claims he indicated "I brandished a weapon at him" In the police report and 911 call. It clearly indicates in the attached police statement I was stating as to why the door was open during an alleged robbery and his poor attitude along with previous incidents of him drug dealing and damaging the vehicle in the case where the judgement which was paid proves his recklessness behavior and endangerment of his own family and the community where he lives. In any state the castle doctrine would take place during this time along with self defense law, I clearly assessed the situation/an attempted burglary and left him at his apartment following the legal tort, New York Penal Law 35.15 Self Defense Castle Doctrine - Sir Edward Coke declares that your house is your "Castle and Fortress" (1604). So, Regis Hillman is perjured \$ 210.00 Perjury because of his statement in other courts and false claim and his action along with the issues of torturous habeas corpus law and influence civil rights abuses 42 U.S. Code § 1997a by the state in handling the case and my property by not dismissing the case timely and submitting for an expungement are reasons for restitution

31 U.S. Code § 3729 - False claims, 18 U.S. Code § 2255 - Civil remedy for personal injuries and

The federal basis for this claim is:

18 U.S. Code § 1621 - Perjury

State briefly **exactly** what you want the Court to do for you. *Make no legal arguments and cite no cases or statutes:*
Find Regis Hillman guilty of all counts including assault and provide injunctive relief in the amount of the demand

due per notice of claim & demand letter of payment of \$15,120,410.00.

If you have additional claims, use the above format to set them out on additional sheets of paper.

6. SUMMARY OF RELIEF SOUGHT

Summarize the relief requested by you in each statement of claim above.

~~The amount requested for restitution is within reason and to set an example for the police misconduct, negligence, fraud, cost and injuries 18 U.S. Code § 2255 comparatively to Williams v. Philip Morris Inc., Schaffer v. Chauvin Case No. 20-cv-1577 (SRN/TNL), the City of Buffalo Police Department due to the previous order # CR-07106-20 10/18/21 with new order for return of property from the Buffalo Police without a background check, for payment the 31 CFR § 901.2 - Demand for payment and CPLR 3212: Motion for summary judgment will stand and payment for the amount due \$15,420,410.00 28 USC App Rule 56: Summary Judgment, et seq.~~

Do you want a jury trial? Yes ☒ No ☐

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 4/22/22
(date)

NOTE: *Each plaintiff must sign this complaint and must also sign all subsequent papers filed with the Court.*



Signature(s) of Plaintiff(s)

CIVIL COVER SHEET

22 CV 0305

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Brant Harry

(b) County of Residence of First Listed Plaintiff

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

DEFENDANTS

City of Buffalo, City of Buffalo Police Department & Regis Hillman

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State ☒ PTF ☒ DEF 1 Incorporated or Principal Place of Business In This State ☐ 4 ☒ 4
- Citizen of Another State ☐ 2 ☐ 2 Incorporated and Principal Place of Business In Another State ☐ 5 ☐ 5
- Citizen or Subject of a Foreign Country ☐ 3 ☐ 3 Foreign Nation ☐ 6 ☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input checked="" type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 INTELLECTUAL PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS			
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

42 U.S. Code § 1997a, 18 U.S. Code § 2255, 18 U.S. Code § 113 and 18 U.S. Code § 1621

Brief description of cause:

Injunctive relief for civil rights, personal injury, assault and perjury violations

Diversity

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

15,120,410.00

CHECK YES only if demanded in complaint:

JURY DEMAND:

☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE 4/22/22 SIGNATURE OF ATTORNEY OF RECORD Pro se

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE